

STATE OF NEW YORK

5390--B

Cal. No. 204

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. LUPARDO, JONES -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the operation of a three-wheeled vehicle

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraphs (iv) and (vii) of paragraph (a) of subdivision 2 of section 501 of the vehicle and traffic law, subparagraph (iv) as amended by chapter 339 of the laws of 2005, subparagraph (vii) as added by chapter 173 of the laws of 1990, are amended to read as follows:

(iv) Class D. Such license shall be valid to operate any passenger or limited use automobile or any truck with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, or any such vehicle towing another vehicle with a GVWR of more than ten thousand pounds provided such combination of vehicles has a GCWR of not more than twenty-six thousand pounds, or any personal use vehicle with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, except it shall not be valid to operate a tractor, a motorcycle other than a class B or C limited use motorcycle, a vehicle used to transport passengers for hire or for which a hazardous materials endorsement is required, or a vehicle defined as a bus in subdivision one of section five hundred nine-a of this title. Such license also shall be valid to operate a three-wheeled motor vehicle that has a steering wheel and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD05151-13-0

1 safety standards for motorcycles including, but not limited to, 49
2 C.F.R. part 571.

3 (vii) Class M. Such license shall be valid to operate any motorcycle,
4 or any motorcycle, other than a limited use motorcycle, towing a trail-
5 er. Such license also shall be valid to operate a three-wheeled motor
6 vehicle that has a steering wheel and seating which does not require the
7 operator to straddle or sit astride, is equipped with safety belts for
8 all occupants and is manufactured to comply with federal motor vehicle
9 safety standards for motorcycles including, but not limited to, 49
10 C.F.R. part 571.

11 § 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
12 traffic law, as amended by chapter 355 of the laws of 2017, is amended
13 to read as follows:

14 (b) Upon successful completion of the requirements set forth in para-
15 graph (a) of this subdivision which shall include an alcohol and drug
16 education component as described in paragraph (c) of this subdivision, a
17 "Road Rage" awareness component as described in paragraph (c-1) of this
18 subdivision and a "Work Zone Safety" awareness component as described in
19 paragraph (c-2) of this subdivision, and a "Motorcycle Safety" awareness
20 component as described in paragraph (c-3) of this subdivision the
21 commissioner shall cause the applicant to take a road test in a repre-
22 sentative vehicle of a type prescribed by the commissioner which shall
23 be appropriate to the type of license for which application is made,
24 except that the commissioner may waive the road test requirements for
25 certain classes of applicants. Provided, however, that the term "repre-
26 sentative vehicle" shall not include a three-wheeled motor vehicle that
27 has a steering wheel and seating which does not require the operator to
28 straddle or sit astride, is equipped with safety belts for all occupants
29 and is manufactured to comply with federal motor vehicle safety stand-
30 ards for motorcycles including, but not limited to, 49 C.F.R. part 571.
31 The commissioner shall have the power to establish a program to allow
32 persons other than employees of the department to conduct road tests in
33 representative vehicles when such tests are required for applicants to
34 obtain a class A, B or C license. If she chooses to do so, she shall set
35 forth her reasons in writing and conduct a public hearing on the matter.
36 She shall only establish such a program after holding the public hear-
37 ing.

38 § 3. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
39 traffic law, as amended by chapter 513 of the laws of 2019, is amended
40 to read as follows:

41 (b) Upon successful completion of the requirements set forth in para-
42 graph (a) of this subdivision which shall include an alcohol and drug
43 education component as described in paragraph (c) of this subdivision, a
44 "Road Rage" awareness component as described in paragraph (c-1) of this
45 subdivision and a "Work Zone Safety" awareness component as described in
46 paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness
47 component as described in paragraph (c-3) of this subdivision, and a
48 "School Bus Safety" awareness component as described in paragraph (c-4)
49 of this subdivision the commissioner shall cause the applicant to take a
50 road test in a representative vehicle of a type prescribed by the
51 commissioner which shall be appropriate to the type of license for which
52 application is made, except that the commissioner may waive the road
53 test requirements for certain classes of applicants. Provided, however,
54 that the term "representative vehicle" shall not include a three-wheeled
55 motor vehicle that has a steering wheel and seating which does not
56 require the operator to straddle or sit astride, is equipped with safety

1 belts for all occupants and is manufactured to comply with federal motor
2 vehicle safety standards for motorcycles including, but not limited to,
3 49 C.F.R. part 571. The commissioner shall have the power to establish a
4 program to allow persons other than employees of the department to
5 conduct road tests in representative vehicles when such tests are
6 required for applicants to obtain a class A, B or C license. If she
7 chooses to do so, she shall set forth her reasons in writing and conduct
8 a public hearing on the matter. She shall only establish such a program
9 after holding the public hearing.

10 § 4. This act shall take effect immediately; provided, however, that
11 if chapter 513 of the laws of 2019 shall not have taken effect on or
12 before such date then section three of this act shall take effect on the
13 same date and in the same manner as such chapter of the laws of 2019,
14 takes effect.